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Committee on Environment
and Public Works

Washington, D.C.

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THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED 2023 BUDGET

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The committee, met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Duckworth, Kelly, Padilla, Inhofe, Cramer, Lummis, Boozman, Wicker, Sullivan, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everyone. I am pleased to call this morning's hearing to order.

Today we are pleased to welcome back Administrator Regan before our committee, without his wife, without his son Matthew. I will never forget when he sat back behind you for hours of a hearing during your confirmation hearing. Give them our best, please.

Today we are pleased to welcome you back before our committee to discuss the President's Fiscal Year 2023 budget proposal for the Environmental Protection Agency. Why do Presidential Administrations go through the trouble of putting out a budget every year? Why do they do this? Budgets are, as we know, forward-looking documents. They are an opportunity for Presidents, for Administrations to describe their priorities and to lay out a vision for the American people.

Last week, the Biden Administration released its first full federal budget proposal. I believe it is clear that this Administration's priorities are aligned with the needs of the American people and the immense challenges that we all face.

This week, the United Nations Intergovernmental Panel on Climate Change released a new comprehensive scientific report with dire warnings regarding the urgent need to reduce

greenhouse gas emissions going forward. The President's budget calls for historic investments to address the climate crisis while ensuring that the benefits from doing so reach our most disadvantaged communities.

The proposal also builds on this committee's work last year to rebuild our Nation's aging infrastructure, groundbreaking investment in greenhouse gas emission reductions, climate resilience, and job creation, and job creation. In short, the combination of this budget and our infrastructure efforts show we can do good and do well at the same time. We need to.

It is no secret that the Congress has not always provided the Environmental Protection Agency with the resources it needs to successfully execute its mission. In recent years, at least until the past year, flat budgets provided by Congress have undermined the agency's ability to do its job, and sometimes they were not flat budgets, they were budgets with deep cuts.

Still, we have been able to avoid the catastrophic harm that the last Administration's budget proposal would have inflicted. Instead of slashing the agency's budget by more than 30 percent as President Trump's first budget proposed to do, President Biden's first full budget proposal would increase EPA's budget by roughly 24 percent in Fiscal Year 2023. This increase in funding is vital to rebuilding the agency's capacity after four years of too much neglect and failed leadership.

In addition to helping EPA rebuild its workforce, which has fallen by about 1,000 people since Fiscal Year 2016, I am also pleased that this budget from this President includes funding to help our Nation rebuild as well. Specifically, I was happy to see a request to fully fund our committee's bipartisan legislation, the Drinking Water and Wastewater Infrastructure of 2021. While our bill, which was reported out of this committee unanimously, and set us off on the right path going forward, became the foundation of the Bipartisan Infrastructure Law, the final legislation only funded the State Revolving Loan Fund provisions, as you may recall.

With this budget from this Administration, President Biden has prioritized the Drinking Water and Wastewater Grant Programs that are essential to addressing a variety of water infrastructure needs, especially those of small, disadvantaged rural, tribal, and Native Alaskan communities as well. In fact, the budget calls for addressing a host of critical environmental justice communities by investing about \$1.5 billion dollars in clean air, clean water, environmental cleanup and other grant programs.

These investments would make good on the President's Justice40 initiative, and ensure that all communities, including those that have been overlooked historically, receive their fair share of federal assistance from EPA. As co-founder of the

Senate Environmental Justice Caucus, along with Senators Duckworth and Booker, I am particularly grateful that this budget focuses on the needs of our most vulnerable, low-income communities, communities of color, as well as tribal communities, something that I know you, Mr. Administrator, have prioritized at EPA.

The budget also makes significant investments in combatting climate change, particularly at a time when Americans are feeling the impact of climate change and the downside of our overreliance on fossil fuels. I am encouraged to see the Administration treat the ever-growing threat of climate crisis with the urgency that it deserves.

After years of cuts, the President's budget proposes \$705 million for EPA's Clean Air and Climate Programs, a 60 percent increase from Fiscal Year 2022. These climate and clean air investments, including funding for the American Innovation in Manufacturing Act, and Diesel Emission Reduction Act, would not only drive down emissions and energy costs, but also help grow our economy by supporting American-made products and technologies.

Additionally, this budget would further empower EPA's efforts to regulate methane and other greenhouse gases and gas emissions as mandated under the Clean Air Act by providing the agency with the financial support it needs to do so.

When it comes to leaving behind a livable planet for future generations, I strongly believe that recycling, we strongly believe, that recycling is an important tool for improving sustainability and creating economic opportunities. To that end, I was pleased to see that the President's budget will continue to prioritize investments in recycling infrastructure and other waste management initiatives at EPA.

It is my hope that these additional funds will help implement EPA's new National Recycling Strategy which the agency created, reflecting in remarkable ways the recommendations made by our committee members. Plagiarism is sometimes thought to be a bad thing. It can also be a good thing, because you took our recommendations and they are right there and what the agencies called for doing. So thank you for that.

The President's budget also acknowledges the need to address the pervasive threat that harmful toxics pose to our lives. With that in mind, I think we appreciate the long overdue request for the funds needed to implement the Toxic Substances Control Act, much better known as TSCA.

Many of us will recall the extraordinary bipartisan effort led by, among others, right here, Senator Inhofe, former Chairman of this committee, former Senator David Vitter of Louisiana, former Senator Tom Udall, our colleague from New Mexico, and other members of this committee to reform TSCA. It

is one of the most remarkable bipartisan efforts that I have seen in all the years I have been here. I commend you, Senator Inhofe, for your leadership.

The President asked for a nearly \$125 million increase to implement TSCA the way we intended when we passed the Lautenberg-Vitter Act six years ago, an investment we should all endorse.

Finally, I want to tip my hat to you one more time, Mr. Regan, and to the hardworking experts at EPA for biting the bullet and articulating a specific, robust, and comprehensive road map to deal with a host of problems that PFAS chemicals create. This is an issue that our Ranking Member Senator Capito and I care about deeply. No other State has probably been affected more adversely, Senator Capito, than my native State, your State of West Virginia. As with TSCA, implementing the PFAS road map will require significant investment to keep these forever chemicals out of our air, out of our water, out of our land, out of our bodies, and out of our lives.

I assure you that we will work with you to ensure that the relevant program offices have the resources they need to address this threat with the urgency and speed that our health and our children's well-being demand.

Let me close by saying that I believe the President's budget represents, I think, a brighter vision of the future for

our Nation, one that delivers on the promise of clean air and water in every zip code, and tries to ensure that every American has an opportunity to live up to their full potential.

Administrator Regan, I think we are headed in that direction under your leadership at EPA. I am encouraged by that. We look forward to hearing your testimony today.

With that, let me turn to our Ranking Member, Senator Capito, for her opening remarks. Senator Capito?

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Mr. Chairman, and thank you, Mr. Administrator, for being here with us today. I look forward to the rest of the hearing and the questions.

As an appropriator, I am fond of saying that the President's budget is aspirational, because Congress still retains the power of the purse, as we know. That is why you are here. But there is much we can learn about the direction and policies of an Administration from its budget request.

As we assessed your agency's goals and requests for record levels of funding for next year, I have deep concerns about the actions undertaken by your agency and the entire Biden Administration regarding domestic energy production and manufacturing infrastructure development, energy exports, and operation of commodity and financial markets.

In particular, it seems like we are witnessing a whole-of-government focus on killing domestic energy production, an effort that has become increasingly hard to understand, I believe, particularly if we see what is going on globally, as the political winds blow against policies that would make us and our allies less energy secure and contribute further to near-record inflation, particularly for gasoline.

From the SEC's announcement that it will be requiring broad

climate and emission disclosures from regulated companies to FERC's pipeline policy change that was recently walked back due to bipartisan uproar to the EPA's EGU strategy and plans to clamp down on the oil and gas sector, there seems to be a grand strategy mounted against affordable and reliable energy.

At the same time, the Administration enters into an agreement with the EU to shift LNG to Europe to help our allies break free from Russia, climate czar Gina McCarthy is now saying that the U.S. climate policy is actually a fight against natural gas and infrastructure investments. It seems like the left hand doesn't know what the right hand is doing, and honestly sometimes I wonder, what is the real message and who is the real messenger.

While you were before this committee more than a year ago, I sought assurances that unaccountable czars like Gina McCarthy and John Kerry at the White House would not be the ones guiding environmental policy. Now we are in the second year of the Biden Administration, and I believe it still remains an open question. Every agency from FERC to the court to the SEC and beyond seems to be creating out of thin air, and usurping EPA's role, and your role, as the lead agency for environment issues.

With EPA playing a supportive role in the Administration's assault on our energy and economic security, I think we are right to be skeptical about providing additional funding or

authority to the agency until we have a firmer understanding of who is calling the shots and who in the federal bureaucracy should be accountable for the inevitable fallout from these policies. Unfortunately, sometimes I can't quite tell what EPA is up to. Because on this committee, despite our jurisdiction, we do not have the oversight into how EPA decisions are being made.

When we talked at your confirmation hearing, you pledged numerous times to be transparent and sometimes we have found that you are and then sometimes not so much, and to communicate with Congress on your decision making process. It has now been 343 days, almost a year, since you committed to sending information on the Nationally Determined Contribution, the NDC, to this committee. And you have not sent that information.

The American people and Congress still do not know how the Administration plans to meet its climate goals of 50 to 52 percent greenhouse gas reductions by 2030, and what it might mean to their jobs, energy costs, price of goods and services during a time of already historic inflation.

The NDC is not the only place where the Administration is kind of hiding the ball. In November, nine Senate Committee Ranking Members, including myself, sent a letter to the White House asking for insight into the development and use of social cost of greenhouse gas figures. These figures have far-reaching

impacts into our entire economy.

We have expressed concerns about the lack of transparency in this process, and just asked for basic information from the Interagency Working Group. Congresswoman Cathy McMorris Rodgers and I then followed up last month with another letter on the same issue. We still have not received a response to either letter.

The NDC and the social cost of greenhouse gas figures are just two examples of policies where the Administration refuses to be transparent to the American people and to Congress.

Many of my oversight requests are related to policies on the Office of Air and Radiation, which is overseen by clean power plant architect Joe Goffman, who has been the unconfirmed lead political official in that office since last January. Just a few weeks ago, President Biden nominated Goffman to lead that office as Assistant Administrator.

In the meantime, the two of you have announced plans to layer on new regulations that will raise electricity prices, including coal, oil, and natural gas at a time of record prices. EPA's mission of protecting human health and the environment is too important to be sidelined by the elevation of certain political signaling and a lack of transparency and accountability, all at the expense of the American people.

I would add, after that rather strong statement, that I

would like to thank you for your offer to come and visit West Virginia and oversee some of our water systems, as we are implementing the IIJA. I am hoping that we can do that in the future, then maybe talk a little bit more about some of these issues that we might not cover in some of the questioning.

Thank you again for being here with us today.

[The prepared statement of Senator Capito follows:]

Senator Carper. Mr. Regan, if you are ready, you are recognized to make your presentation. Hopefully, you will have a chance to respond to some of the questions that have been raised by our Ranking Member.

It reminds me, I feel like déjà vu, going back four years ago we had the same kinds of questions from the last Administration for their failure to respond in a timely manner.

[Laughter.]

Senator Carper. What is it they say, consistency is a hobgoblin, or something like that.

All right, Mr. Administrator, you are on. Thank you.

STATEMENT OF THE HONORABLE MICHAEL S. REGAN, ADMINISTRATOR,
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. Regan. Chairman Carper, Ranking Member, and members of the committee, I appreciate the opportunity to appear before you today to discuss the bold vision laid out in the United States EPA's proposed Fiscal Year 2023 budget request.

In this request, we lay out an ambitious and transformative plan for EPA with a goal of a healthier, prosperous Nation where all people have access to clean air, clean water, and healthy communities. President Biden's proposed Fiscal Year 2023 budget request for EPA provides \$11.9 billion to advance key priorities, including tackling the climate crisis, delivering on environmental justice and equity, protecting air quality, upgrading the Nation's aging water infrastructure, and rebuilding core functions at the agency to keep pace with the growing economy.

Over the last year, we have made important progress toward many of these goals. I am proud of the foundation we have laid and the partnerships that underpin our success. But there is still so much more work to do to ensure that all children have safe, healthy places to live, learn and play, and to build stronger, more sustainable economic status, and to advance American innovation and ingenuity. Put simply, investing in EPA is an investment in the health and well-being of communities we

serve, and in the economic vitality of this great Nation.

I have had the privilege to visit many communities in your States and see first-hand the environmental and public health challenges many of your constituents continue to face, from unprecedented flooding events to crumbling wastewater infrastructure. I have spoken to mothers whose children have been lead poisoned. I have met with people who are living with toxic waste in their backyards. I have seen conditions that are simply unacceptable in the United States of America.

From investing in our Nation's climate resilience to cleaning up contaminated land, there is no shortage of critical work to be done. Members of the committee, EPA is up to the task. We are eager to work with all of you to deliver for our fellow Americans and to secure our Nation's global competitiveness.

But we need your support. Both the urgency and economic opportunity presented by climate change require that we leave no stone unturned. The 2023 budget invests \$773 million toward tackling the climate crisis and reaping the benefits that come with it: healthier communities, good-paying jobs, and increased energy security.

The communities hit hardest by pollution and climate change are most often communities of color, indigenous communities, rural communities, and economically disadvantaged communities.

For generations, many of these vulnerable communities have been overburdened with higher instances of polluted air, water, and land. This inequity of environmental protection is not just an environmental justice issue, but it is a civil rights concern as well.

For Fiscal Year 2023, EPA will expand upon the holistic investments made in environmental justice and civil rights to reduce the historically disproportionate health impacts of pollution in communities with environmental justice concerns. Across the budget, EPA is investing more than \$1.4 billion to advance environmental justice, clean up legacy pollution, but create good-paying jobs while in the process.

Across the Country, poor air quality affects millions of people, perpetuating harmful health and economic impacts. In Fiscal Year 2023, the agency will protect our air quality by cutting emissions of ozone-forming pollutants, particulate matter, and air toxics. The President's budget includes \$1.1 billion to improve air quality, and sets standards that will reduce pollution from both mobile and stationary sources.

EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces market movement toward a cleaner energy system that provides reliable and affordable energy. A thriving economy also requires clean and safe water for all.

Although progress has been made, many still lack access to healthy water, face inadequate wastewater infrastructure, and suffer the long-term effects of exposure to lead pipes. America's water systems are also facing new challenges, including cybersecurity threats, climate change, and emerging contaminants like PFAS.

The budget proposes more than \$4.1 billion to upgrade drinking water and wastewater infrastructure nationwide, but to focus on underserved communities. This investment builds on the historic investment of the Bipartisan Infrastructure Law. The Fiscal Year 2023 President's budget positions the EPA to create durable environmental policy that sets our Nation on a path to win the 21st century. It will allow us to meet the pressing needs faced by millions of Americans and fundamentally improve people's lives for the better.

Thank you for the opportunity to be here today to submit this testimony for the record. I look forward to our continued partnership, our achieved success and yet the ambitious necessary goals that we all are tackling.

Thank you, and I welcome your questions.

[The prepared statement of Mr. Regan follows:]

Senator Carper. Thanks again for joining us. Thanks for your opening statement, and thanks for your willingness to respond to our questions.

I think if we are all honest on this committee, and I think we are all honest on this committee, we would admit that there have been times when we have been approached by constituents who said, I wrote you, or I called your office, and I never got a response. I hate that. We had stuff to put in place about 20 years ago, a system that just makes sure that that doesn't happen. I don't remember the last time somebody said that to me in the State of Delaware.

I would just ask you to make sure, the idea that the Ranking Member here is talking about, not getting a timely response to probably tough questions, that is just not acceptable.

The other thing I would say, I appreciate very much, we appreciate very much your visit to Delaware last year. While you couldn't be with us long, we are just grateful that you came. I would ask you to put at the top of your to-do list going to West Virginia, my native State. They are looking forward to seeing you. I don't think you have been there as Administrator, and if you have not, please do that.

The President has requested \$124 million and the hiring of about 450 additional people to implement the Frank R. Lautenberg

Chemical Safety for the 21st Century Act. That law was a significant bipartisan achievement of this committee. That involved many of us around this dais when it passed, about five, six years ago now. Despite the previous Administration's failure to request funds to support its implementation, EPA professionals have worked extra hard to meet the aspirations and the mandates of the Act.

Would you describe for us the resource challenges that the TSCA program is current facing, and how the agency plans to fulfill its obligations under the Lautenberg Act if Congress appropriates the sizeable increase in resources requested by the Administration?

Mr. Regan. Thank you for that question, Mr. Chairman. Unfortunately, as you mentioned, the last Administration never asked Congress for any additional resources.

Senator Carper. I recall that all too well.

Mr. Regan. This committee showed outstanding leadership when it reformed TSCA in 2016. Unfortunately, the last Administration missed nine of the ten deadlines for the Chemical Risk Review Evaluations.

In the meanwhile, for us, the workload has doubled. We have 20 risk evaluations to do, 10 rules to write, but we are still working with the same budget that we had with the broken law. As a result, EPA only has about 50 percent of what we

think we need to review the safety of new chemicals quickly in the way that the law requires.

The 2023 budget reflects what we actually think it will take to implement the Chemical Safety Law in the way that Congress, industry stakeholders, and the American people expect and deserve. So we are going to put those resources to good use. We are going to make up for some lost time, and we want to keep pace with what Congress requested that we keep pace with.

Senator Carper. Throughout my time in public service, I hear one consistent ask from the business community. My guess is if I went up and down the line here in this committee, they would probably pretty much say the same thing. Doesn't matter if it is a small business, doesn't matter if it is a Fortune 500 business, I hear the need for Federal Government to provide predictability and certainty. Not just the Federal Government, State and local governments as well. Businesses need that predictability and certainty in order to thrive and grow, to make long-term investments and decisions.

That is true across the Federal Government, especially at EPA. The last Administration did little, if anything, to provide EPA regulatory certainty for industries, and starved EPA, as we said here, of the resources it needed to fully function and process applications and permits in a timely manner.

My question is then, please tell us how this budget for EPA will be good for the environment and public health, and good for predictability and certainty for businesses that desperately need it.

Mr. Regan. Senator, I have spent most of my time, or at least attempted to spend most of my time out from behind the desk in Washington, D.C. and focused on the needs of the American people. In my meetings with many of the members in their districts, many of the CEOs of these industries, we all recognize that volatility and a lack of certainty is not good for long-term investments.

So what I have done is I have met with the CEOs of many of these industries, the power sector, the automobile industry, they are making tremendous investments in new technologies and a clean energy future. But they are making those investments with an absence of certainty in terms of a regulatory future.

So what we have done is, with the light duty vehicle and car standard, we spent time, I spent time with the CEOs of the companies, I spent time with the unions, I spent time understanding their needs, where their investments are going. We crafted a rule that we believed was complementary to where the market was going, but provided some rules for engagement.

We did the same thing with HFCs, as I met with the CEOs of many of those companies. We are doing the same thing now as I

meet with the oil and gas industry around the methane standard.

The reality is that the technologies are there. The market momentum is there. What these CEOs have asked me for are conversations, transparency, and to present rulemakings in a way where they can make responsible decisions as they make investments.

So with the power sector as an example, the CEOs have asked me, is there a way you can not darken our doorstep one rule at a time, but present us with a suite of rules that are upcoming so we can take a look at the compliance obligations, the investment opportunities, and whether or not we double down on current investments or invest in the future.

What I would say at EPA is that the resources that we are asking for here is, we are asking for resources so that we can keep pace with a growing economy and technology that is advancing at a rapid rate. We want to provide rules for the road and certainty so that we can have our companies making the long-term 5, 10, 20-year investments that they are desiring to make.

Senator Carper. Great. Most people don't think of Delaware as a rural State, but we raise a lot of chicken and corn and soybeans and you name it. We have an electric co-op, Delaware Electric Co-op, which is part of a regional cooperative working with other States to meet our utility needs, our

electricity needs and gas needs.

I met with the head of the Delaware Electric Co-op earlier this week to hear what they are doing in terms of changing up their mix of sources of electricity, moving away from coal, moving to natural gas, actually moving to a lot of renewables as well, a bit more reliance on nuclear. In the suite of folks that you are meeting with, I urge you to meet with the electric co-ops. They play a major role in North Carolina, where you hail from. They are a big part of the solution. I am sure they would welcome your attention. Thank you.

Senator Capito. Thank you. I am going to right to the National Determined Contaminant question that we have kind of gone round and round with each other on. As you know, the Administration put out a long-term strategy for 2050, but promising that the 2035 or the National Climate Strategy would be coming out soon. We still have not seen that. I think this is going to have heavy impacts on jobs and job sustainability.

How can we get this information from you?

Mr. Regan. Senator, we have had some really good conversations around this. EPA played a role in the NDC process, we didn't lead it. We have provided, I believe, a good deal of what you requested in terms of how we participate in this process. Again, that was providing the greenhouse gas inventory, an updated version of that, and then some

quantitative discussions around how our regulations would impact the pursuit of the NDC goal.

What I would say is, I pledged from the beginning to follow the science and follow the law. I think that what the law requires of EPA is not to prejudge or predict where any of our regulations would go in terms of emission reductions or control technology choices. So what you actually seen over the past year with our finalized rule for HFCs, our finalized rule for light-duty vehicles, our proposed rules for methane, our proposed rule for heavy-duty vehicles, that is where that analytical rigor, that qualitative analysis, happens.

We would be more than willing to sit down with you and your staff and walk you through that.

Senator Capito. Well, we have asked for that, and we haven't received that ability to have a full-out briefing on this particular thing, numerous times asked for that, particularly in this.

What I am trying to get at, and you alluded to it, but it is when you say that you have talked about the impacts and how you are going to reach this level of emission control, in reducing the emissions, who is going to lose the jobs here? Because we know that is what is going to happen. You know that is what is going to happen. And you know the frame of mind of which I am coming from, an energy State, an energy not just

producer, but also our power sector is very heavily reliant on what we produce in our own State.

So we know, in order to reach these goals, along with what is going to happen in the EGU strategy, that oil and gas and coal are going to be at the tip of the spear here. Would you not agree with that?

Mr. Regan. What I would say is that, in my conversations, and I can only go on my conversations with the CEOs of these power companies, they have indicated that for the past decade that the market has been driving them to make investment decisions and that they have had to make those with a lack of certainty.

Just in year 2020 alone, investments in new capacity, 80 percent of that was in solar, wind, and battery storage. Those investment decisions were not and have not been driven by EPA regulation. Those were investment decisions driven by the market.

What they have asked us for, so that they can make longer term investment decisions, is if there are regulations that are coming from EPA for air quality, for coal ash storage, for water quality, that I be accommodating in a way if possible to align some of these timeframes so that when we present these regulations, they are looking at these regulations in one fell swoop, and not one at a time. Because they want more certainty.

API and the Chamber and the oil and gas sector says, before I arrived and since I have been here, we need a regulation on methane. What they have asked me specifically to do is to not codify a regulation or put a regulation in place that codifies outdated technology. They want to be able to take advantage of new data models, and they want to be able to take advantage of robots that can walk along these pipelines, drones, satellites.

So we have to design a regulation that meets the moment of this technological revolution. That is what they have asked us for.

Senator Capito. Okay. But you are still not telling me how to get to the Administration's aspirational carbon emissions goals, how any of those industries and how those CEOs are telling you. I am not anti-renewable. I am good with that. That is great. But you have to be realistic. Let's look at what is going in Europe right now. You have to have baseload energy. And that comes from nuclear, natural gas, or coal. Our coal in West Virginia is like gold over there now.

So I do want to follow up, but I will stop here, then we will have a second round. Thank you.

Senator Carper. Before I turn to Senator Cardin, most of us up here on this dais had the opportunity to meet with European ambassadors a couple of weeks ago who were in the Capitol. I asked the German ambassador if he had any advice for

us as we thought about what to do with our aging nuclear plants, should we shut them down, should we get rid of them. In Germany, my family on my dad's side is German. But in Germany, they have closed a bunch of their nuclear power plants so they have the opportunity to buy gas now from Russia. Not too smart. We have to be smarter.

Senator Cardin, you are on. Before that, I need to ask unanimous consent to place materials into the record demonstrating the investments and goals of electric utilities to reduce greenhouse gas emissions.

[The referenced information follows:]

Senator Cardin. Administrator Regan, welcome. It is nice to have you here. I join the Chairman and thank you for your cooperation with the stakeholders in Maryland. I hear positive comments from our State and local officials and our private sector officials about the ability to work with EPA. So I thank you for that. We have a good relationship.

On Monday, I was with the commander of the Army Corps of Engineers, Baltimore District, where we announced \$84 million that will be available to deal with the restoration of Mid Bay, the islands of Baron and James Island in the Chesapeake Bay. I mention that because that is a major step forward in dealing with the economics of our port, by having a location for dredged material, but also the restoration of our coastlines and the Chesapeake Bay, the work that we do.

Now, part of that funding came out of the Bipartisan Infrastructure Bill, which we were all proud to support. Included in that bill were additional parts that will help us in the Chesapeake Bay, including the State Revolving Funds. But as you are aware, it also included a direct help for the Chesapeake Bay Program, which we very much appreciate.

The President's budget appropriates \$90.6 million directly for the Chesapeake Bay Program. Considering that we authorized \$91 million, you are close. You still have a few dollars more you could come up, but we are not going to complain about that.

We appreciate the President's budget.

But in addition to that is \$47.5 million made available through the Bipartisan Infrastructure Bill for the Chesapeake Bay effort. So we have, I think, an historic opportunity to really move forward particularly with on the ground projects, deal with the coastal restorations, the challenges on storm runoff, particularly with extreme weather events, and to deal with agricultural practices, all that. We have a real opportunity to move forward.

So I want to give you a chance to talk about how your agency has prioritized these additional funds for the Chesapeake Bay.

Mr. Regan. I share your level of enthusiasm for the Bay. Actually, I just took the helm of the Chesapeake Executive Council. EPA is more than committed. I have committed my time, my staff has committed its time to the leadership there.

We are grateful for the resources that Congress provided the President's budget request of 2022. We have consulted with our partners and we have made some really important decisions on how to use the funding that we have received so far.

On April 18th, we are set to announce the allocation of \$40 million from Fiscal Year 2022 infrastructure fund. We will target this money for the Innovative Nutrient Sediment Reduction grants and the Small Watershed grants. This funding will

support the on-the-ground implementation and technical assistance efforts to increase access efforts across the Chesapeake Bay watershed.

We also plan to provide \$36 million to the States in D.C. and \$19 million to the National Fish and Wildlife Foundation, which administers Innovative Nutrient and Sediment Reduction grants and Small Watershed grants. So we can follow up on some of these things.

But I will say that we are putting the resources that we have received to good use on the ground. I believe my role on this Executive Council will be pertinent there. We are also hopefully close to securing a Chesapeake Bay advisor to the Administrator.

Senator Cardin. Thank you for that. I thank you for your personal leadership on the nutrient reduction programs. They are critically important.

The Small Watershed grant programs, I am glad to hear you mention that. That just expands the stakeholders' interest in more people getting engaged in the Chesapeake Bay restoration efforts. It is a small amount of money, but it is leveraged to incredible opportunities. A lot of schools have taken advantage of it, local communities have taken advantage of it. There have been innovative approaches taken to storm runoff as a result of these Small Watershed grants that have led to major policy

changes. I am glad to see that that is a priority for the allocation of these funds.

I want to ask you one additional question dealing with a provision that Senator Capito and I authored dealing with resiliency in our water treatment infrastructure that deals with weather and cyber threats. Could you just briefly tell us how you plan to implement those programs to deal with the threat of extreme weather and cyber?

Mr. Regan. The cyber is one that we are really paying attention to. We have known for some time the threats of climate change, we have known the threats of cyber, we are seeing an uptick there.

In the new budget, you will see a \$100 million request so that we can really focus on cyber and focus on some of the threats that you have just mentioned. We saw just this week in the news from the IPCC that the window for managing these climate threats is narrowing, is shortening. So this year, we are excited to say that we have some really focused things we can do through the Bipartisan Infrastructure Law, but even more with the resources that we have asked for from the President's budget that specifically continues to shore up our Nation's crumbling water infrastructure, but pivot and pay very special attention to the cyber threats.

Senator Cardin. Thank you. Thank you, Mr. Chairman.

Senator Carper. Senator Inhofe?

Senator Inhofe. Thank you, Mr. Chairman.

The Reagan Administration, well, first of all, thank you for the time you and I have spent together to try to get used to each other and what we are doing and what we are trying to accomplish. One of these issues has been ongoing for decades, and that is at least 60 years that I know, because I have been involved in aviation that long, that is removing lead from nav gas. I think I speak for all members of this panel that want to see a safe and smart transition in working toward that.

However, I remain concerned that the EPA's pending announcement of a proposed endangerment finding, the transition to an unleaded fuel, could be put in jeopardy before it gets started.

There are over 200,000 aircraft and 1,800 different engine types in general aviation in the fleet today. A large sector of this fleet needs 100 low-lead fuel to operate. So let me start with one question that I think is probably pretty self-evident. That is, will you commit to fostering a safe and smart transition and working with the FAA and industry to help ensure that fuels available today remain available until a solution is fully approved and widely available.

Mr. Regan. Senator, absolutely we would have to do this in a very responsible way. I would like to say that to your point,

this issue has been bounced around for a number of years. I think what we decided to do is responsibly, instead of just talking behind closed doors, take on a process that actually pursues whether or not there is an endangerment finding. So that process will be very public. We are at the beginning of that process. We will be very transparent with all of our stakeholders, so there will be no surprises there.

Senator Inhofe. I appreciate that. We have a company in Oklahoma, and I mentioned this to you once before, called GAMI, General Aviation Modification, Inc. They are leading the Nation in this new field, and have been so very successful. I think we are in a position now where we are going to be able to maintain what we have now until such time as we have the security backing behind it.

One other question, Mr. Administrator. In January of 2021, on President Trump's last day in office, the price of gas was \$2.38. This past month, worsened by, I believe, the Biden Administration's policies, the national average cost per gallon surged to \$4.33. Now, think about that; \$2.38 to \$4.33, making it the highest average price we have ever had on record. President Biden keeps breaking records, and those records are breaking American budgets.

In November, you released a proposal that would impose new, burdensome methane regulations on the oil and gas sector, which

could lead to devastating consequences for American jobs immediately. Democrats in Congress have proposed a methane tax that would increase the average family's electricity and heating bill by some 17 percent, which is huge. We are going to keep talking about that because it has to be talked about.

Mr. Administrator, would implementing the methane tax on the oil and gas industry have any effect to lower the energy costs for Americans? Is there any spin that can be put on this that somehow this is going to lower the price for fuel in America?

Mr. Regan. Senator, I think that with the methane, what we have done is we have provided a strong technical assistance to Congress as Congress deliberates on what that methane tax program would look like. What our focus is is ensuring that any program that is designed would be complementary to the proposed methane rule that we have in place.

Senator Inhofe. Yes, but here is the problem with that answer. If there is some notion out there that somehow a methane tax on oil and gas is going to lower energy costs, then we don't have an argument anymore. You are not saying that, surely.

Mr. Regan. What I am saying is, for instance, if it builds on the methane regulation that we are proposing, one of the things that the industry agrees with us on is that we can create

a framework where we are capturing a lot of lost product, millions of dollars of lost product.

Senator Inhofe. That is fine. My time is up. But I have to get an answer. In fact, I don't think there is an answer to this. What you are saying, that the tax increase on methane, on oil and gas, somehow can be a lower energy cost for America. Is this what you are saying?

Mr. Regan. I am saying if properly designed, which is Congress' responsibility, that a methane fee, according to the industry, might create --

[Simultaneous conversations.]

Senator Inhofe. You know, every time I hear this according to the industry, it is interesting, because my phone starts ringing off the hook, saying, I didn't say that, I didn't say that. So that's the reality.

My time is up. But I would ask this question. You can ponder.

Senator Carper. I am going to ask my colleague to hold. We will have another round.

Senator Inhofe. Well, we have Armed Services meeting in the other round. So this is the only chance I have to ask --

Senator Carper. Go ahead.

Senator Inhofe. I won't ask further questions, okay?

All right. How would you assure every American that EPA's

proposed regulations will not contribute to the elimination of jobs in the fossil fuel sector or increasing gas and other energy price consumers? For the record, okay?

Senator Carper. Thank you. I would say to my colleague, I sold my 2001 Chrysler Town and Country minivan last year for \$1. It had 600,000 miles on it. Every day when I drive to the train station to catch the train to come here, I drive by the same gas station that I have driven by for, gosh, 30 some years. And I have been watching with alarm and concern the price of gasoline there.

Last year, my wife and I bought an electric vehicle. There are quite a bunch of them now. We ended up buying one that is largely sourced in America. And I don't have to stop at the gas station anymore to buy gas. Gas is over four bucks a gallon.

I think one of the best things we can do with respect to supply and demand is, laws of supply and demand, if we had less demand for gasoline because more people were buying energy efficient vehicles largely built in America, that could help as well as we would try to get the price of gasoline under control.

I have a unanimous consent request. I want to ask unanimous consent to submit for the record two studies that highlight the need for smart policies to encourage methane capture and lower energy costs for consumers.

The first is a study by the non-profit Environmental

Defense Fund which finds that oil and gas operators are releasing hundreds of millions of dollars worth of methane annually into the air, meaning that this potent greenhouse gas is heating our planet instead of heating our homes.

The second study is by the non-profit Resources for the Future, which finds that the methane fee policies that Congress is considering today could achieve substantial emissions reductions at near zero cost to consumers.

Without objection.

[The referenced information follows:]

Senator Carper. Senator Whitehouse, thank you so much for joining us.

Senator Whitehouse. Thank you, Chairman.

Let me say that I am informed here by the planning that my State has to do for a change in our map. As sea levels rise against our shores, we will lose a lot of coastal property and face very significant economic damage, specifically related to fossil fuel emissions. So from that background, let me say that I completely rejected the arguments that I am hearing from the other side that it is okay to not meet climate goals, or that the oil industry is not responsible for gas prices, or that oil and gas can ever achieve energy independence, or that cheap and abundant pollution is ever a good thing. I reject all of those propositions completely.

I also reject the proposition that the fossil fuel industry shouldn't change, the map of my State should change. So we come from very different perspectives in this regard.

From that perspective, as I understand it, with respect to carbon emissions point sources, 15 months into the Administration, EPA has no rule for power plants, either coal or gas. Is that correct?

Mr. Regan. We are looking at a proposed rule for gas, and we are working on or working toward a proposal for --

Senator Whitehouse. So no rule?

Mr. Regan. Yes. We have this Supreme Court decision that we are also keeping an eye on. We want to be sure that the rule that we design will fall within where the Supreme Court will land, so we will be within the realm of the law.

Senator Whitehouse. Will you be ready to go within a week or a month after that decision? Are you doing the preparatory work to have that kind of response?

Mr. Regan. We are going to be ready to go as soon as the Supreme Court rules. We will be ready.

Senator Whitehouse. I hope so. With respect to methane emissions, as I understand it, it doesn't address venting and flaring, which are the two most frequent manners of emission. And that I guess you are in the process of trying to improve the methane reporting.

But you can see that for years, what EPA took as methane emissions and leakage reporting has been dramatically underreported.

Mr. Regan. I can see that we believe that emissions have been underreported. I also recognize that we proposed a rule and we have taken significant comments. Senator, we received over 500,000 comments on that proposed methane rule that covers a lot of issues that we are taking very careful thought with. By the way, I have to say that those --

Senator Whitehouse. I don't want my State to sink while

you are being careful. So forgive me for being a little bit impatient here.

Chemical plants. Do you have any rule for point source carbon dioxide emissions from chemical plants?

Mr. Regan. We do not have that yet, sir.

Senator Whitehouse. How about refineries? Do you have any rule for point source emissions from refineries?

Mr. Regan. We are working toward all of these stationary sources.

Senator Whitehouse. How about cement plants, metal plants, paper mills? Any rule for any of them?

Mr. Regan. We are taking a look at all of the sources of CO₂, and looking at what authorities we have under the Clean Air Act to act on them.

Senator Whitehouse. With respect to mobile sources, is it fair to say that your cars and light trucks rule is essentially a return to the Obama-era rule?

Mr. Regan. No, it is not.

Senator Whitehouse. Okay, we will follow up on that.

Is it fair to say that your heavy duty trucks and buses rule is weaker than California's, and does not require increased zero emission, trucks and buses?

Mr. Regan. It is fair to say that we have proposed step one. But there are multiple steps to how we regulate heavy duty

vehicles, and there will be multiple steps as to how we regulate light-duty vehicles.

Senator Whitehouse. And you have no rule regarding aircraft emissions?

Mr. Regan. No new rules for aircraft emissions.

Senator Whitehouse. How long do you think you have?

Senator Regan. Senator, I think we have to be honest about the state that the EPA found itself in when President Biden was elected. I think we have to look at the level of resources that the agency currently has. We did not get the resources we requested for 2022, and we are making a significant ask for resources for this year.

I can say that since I have been there for the past year, we have staff working nights and weekends. We are playing catch-up, we are digging out from under court cases. And I am really proud of the workers that we have, when we look at the rules that we have proposed and finalized within the first year of the Biden Administration. I know we can't dig ourselves out of this hole overnight. But what I can say is that when you look at the HFCs rule, when you look at the proposed methane rule, which the proposed methane rule is the most stringent rule ever proposed for oil and gas, looking at both new and existing, when you look at the rule that we finalized for light-duty vehicles, the proposed rule for heavy-duty vehicles, when you

look at the suite of options that we are considering to bring the power plant sector in line, I am damned proud of what this agency has done over the past year with the resources that we have.

Senator Whitehouse. The problem is that in an emergency, effort doesn't count, results count. That is the problem. Thank you.

Senator Carper. Thank you, Senator Whitehouse.

Now, Senator Cramer, it is your turn. Please proceed.

Senator Cramer. Thank you, Mr. Chairman, and thank you, Mr. Administrator, for being here.

There are many things I appreciate about Senator Whitehouse. When he honestly says we come from different perspectives, he is right. But I remember what you said last week about the emissions standards and energy production goals don't have to be mutually exclusive. I agree with him: we should find more ways to capture natural gas, rather than vent and flare it. There is no productive use of vented and flared natural gas.

So let's work on common goals together. I am going to get to that in my second question.

But first, Mr. Administrator, I want to raise a separate issue, then I will get to the methane rule and natural gas. When you were in North Dakota, and thank you again for coming

out so quickly after you were sworn in, to talk to farmers and ranchers and others about Waters of the U.S., you met then with our North Dakota Agriculture Commission, Doug Goehring, about WOTUS.

But earlier this year, February of this year, Commissioner Goehring sent your office a letter, they are still waiting on a response on it. It was sent to the Office of Pesticides Programs. It relates to the existing stocks of unusable chlorpyrifos. You are probably familiar with that.

Anyway, last year, the EPA banned the use of this chemical and gave farmers and retailers six months to dispose of it. The rule came out, I think it was in August, which means winter is coming in North Dakota. So the bottom line is, farmers have a lot of this stuff on their shelves and they are coming up on having to dispose of it. Same with retailers that have purchased this in anticipation of the next growing season.

There has been very little to no guidance on how to dispose of it. Our State is not prepared to be able to do that.

What I worry about, quite honestly, is the perverse incentive to dispose of it improperly if there is punitive threats in store. Or use it illegally, which I certainly don't advocate.

I just bring it to your attention, and just want to see if you can provide me some assurances that the EPA is not going to

seek to punish growers who currently hold the product and more important work with our State agencies to properly handle the disposal. We are, even in North Dakota, around this time we are coming up on planting season. So if you could just raise that to the top and get back to Commissioner Goehring or me, that would really be appreciated.

Mr. Regan. If I might add.

Senator Cramer. Please.

Mr. Regan. I think in 2021 the court had indicated that EPA had abdicated its responsibility since 2007. They put us on a timeline and told us that either we could prove that chlorpyrifos was not harmful at all, or we had to take the action that we took. It was a hurdle that the agency couldn't leap.

So one of the situations we find ourselves in, especially with pesticides, is because of inaction over decades, the court now is putting us on these timelines. I can commit to you that we are working, our regional office is actually working with your State now to think about how we navigate that tough terrain that we find ourselves in.

Senator Cramer. That is what we want. We want to be part of the solution. I am grateful for that.

I am going to run out of time before I get to this next issue, but I am going to start it. I want to turn to the

methane regulations and the whole-of-government approach that I think is necessary to meet the goals that we have laid out. In bringing up something that has come up already a couple of times, of course, the Bipartisan Infrastructure Bill, which provided among several things some regulatory streamlining for the buildout of natural gas infrastructure for capturing natural gas. In the Bakken, where we produce a lot of oil, natural gas is a byproduct of that. So we do have some venting and flaring.

I have a chart right there that demonstrates sort of the different outcomes. The range of capture of natural gas from the Bakken oil production ranges from 56 percent to 94 percent. Now, the good news is that the State average is 93 percent. I am going to make a simple point here. The 94 percent is all State and private land. And the 56 to 83 percent is largely either tribal land or other federal lands.

My point being that we need to do better on the federal lands and the Indian lands. That is bureaucracy. You take bureaucracy then you add another layer of bureaucracy with tribal lands and you have lots of bureaucracy. So as we work through this, as we work through these goals, these not mutually exclusive goals that you spoke of last week, I really hope that, a lot of this is BIA, well, some BIA, but largely Interior jurisdiction. But the Infrastructure Bill did provide the NEPA incentive. In fact, it waives NEPA on federal lands where we

can demonstrate a reduction of methane emission, which clearly, if you are capturing the gas, you are reducing.

I want to make sure that the whole-of-government is working together, that you are consulting with Interior or that they are seeking your assistance. I think we can get to these goals that Sheldon Whitehouse and Kevin Cramer both have, that you have, and we will get the courts off your back and do the right thing with a product that is more valuable being used than being flared and vented.

Mr. Regan. Yes.

Senator Cramer. How is that for -- I almost did it under five minutes, Mr. Chair.

Senator Carper. A for effort.

Senator Cramer. I did my best. Thank you. If I get an A for effort from him, it is a good thing.

Senator Carper. We are grading on a curve.

Mr. Regan. I can assure you on that topic, DOE, Interior, EPA, CEQ, we are all looking at all the resources that we have in our regulations to be sure that we are going in the same direction.

Senator Cramer. I appreciate it. Thank you. Thanks, Mr. Chairman.

Senator Carper. Next is Senator Markey. Senator Lummis, you will be next in line normally. Senator Padilla, who is going

to join us on WebEx, has asked if he could possibly go ahead of you. That would be very kind of you. Thanks so much.

Senator Markey.

Senator Markey. Great. I love being on this curve. Everyone is averaging six and a half minutes, but it is really five.

[Laughter.]

Senator Markey. The work done by EPA and Department of Transportation in improving the fuel economy standards of vehicles which we drive to back out imported oil, reduce greenhouse gases, excellent work. Making up for the five years that we lost because of Donald Trump.

The problem is that we import 600,000 barrels of oil a day from Russia. All that money was going to Putin, \$20 billion a year. We lost five years, because of Trump, because we put 70 percent of all the oil we consume into gasoline tanks. So that was a huge blow to our Country that Trump imposed. And we are glad that you promulgated the new rules, that DOT has promulgated new rules. But we are way behind where we should be. For every 15 million all-electric vehicles which we deploy, we back out all the Russia oil. The next 15 million vehicles backs out all the Saudi oil, et cetera, et cetera. So it is a tragedy, but we are making up for it.

So in terms of the new rulemaking to the 2027 standards,

where were you in that process of starting to look at the standards that will begin in 2027?

Mr. Regan. We are there. We are working hard. We just completed 2023 to 2027, we aligned those regulations with DOT so that we could have both agencies for the first time in a long time aligned so that the industry would have certainty.

Senator Markey. I agree with you. How are you doing on beginning the process for the next step, beginning in 2027?

Mr. Regan. We have started.

Senator Markey. You have started?

Mr. Regan. Yes.

Senator Markey. Do you have a goal for the completion of that rulemaking?

Mr. Regan. I will have to get back to you on that exact timeline. But it is one that we are tackling urgently. In the meanwhile, one of the incentives for us was for restoring the California waivers, so that California and other States can also continue to move forward while the Federal Government does its work.

Senator Markey. And that is critical work, and it has to be done. But in the same way, as you are saying the market needs predictability on propane, well, it needs predictability on long-term vehicle standards.

Mr. Regan. That is right.

Senator Markey. So I just urge you to put that front and center, finish it quickly, hand it in early, so that the market knows that there are going to be regulations in 2027, 2028, 2029, 2030, that are there. Then we can plan toward backing out all that imported oil. The best way to do it is just to unleash our private sector to be able to do it. But they need predictability.

The question of environmental justice is very important as well. Talk a little bit about deploying more local air quality monitors in environmental justice communities if you would. I know you are committed to that. Can you talk about where you are right now?

Mr. Regan. We are thankful for the \$100 million that Congress awarded to EPA through the American Rescue Plan, \$50 million for enhanced air quality monitoring, \$50 million for environmental justice projects. In this budget of 2023, we are also asking for or requesting a \$100 million increase to develop and implement community air quality monitoring notifications.

We have looked at our air quality monitoring system in this Country. It is antiquated. It is not technologically up to speed in a way that we believe is most protective of our communities. So we have mapped it out. We know where we need more monitors. As a matter of fact, I have been meeting with the States. I just met with 45 of the 50 State Secretaries just

this past Monday. In these States, we know where we lack adequate air quality monitoring. We are going to continue to identify those areas and put those monitors in those places first if we are fortunate enough to get these funds.

Senator Markey. Obviously, that is key, because you can't solve a problem if you don't know where it is. So getting all that information, doing the environmental justice mapping, is absolutely imperative.

On toxic substances, what are you doing right now in terms of remediating the dangerous PCBs present in schools and childcare facilities? How can Congress help support those efforts in the 2023 appropriations process?

Mr. Regan. It is my understanding that the Get Toxic Substances Out of Schools Act, a bill authorizing grants and technical assistance under TSCA, to remove chemicals like PCB from schools is alive and well. I believe our EPA Region 1, and under the leadership of Michal Freedhoff, have engaged --

Senator Markey. What is that name again?

[Laughter.]

Mr. Regan. They are actively engaged with Senator Sanders and your staff to be sure that we can strengthen that and have it as innovative and as impactful as possible.

Senator Markey. Thank you for that. You have a great team working on that issue.

Thank you. And I yield back the balance of my time.

Mr. Regan. If I might, I do have an answer for you. For model year 2027, it looks like we will have it proposed by the year 2023.

Senator Markey. By 2023? That is great news for the automotive industry. Gives them the predictability which they so desperately need and that they call for. Thank you.

Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Markey.

Alex Padilla has joined us by WebEx. I want to thank Senator Lummis for allowing him to slip ahead. Alex, please go ahead.

Senator Padilla. Thank you, Mr. Chairman. I appreciate the accommodation. As I think all my colleagues can appreciate, we have a HSGAC markup in a few minutes. So I will submit most of my questions afterwards for the record.

But I wanted the opportunity to raise at least one issue with Mr. Regan today. Just last week, scientists from NOAA and Princeton University published new research modeling the impacts of wildfire smoke in the west. Research found that westerners, particularly residents of northern California, my home State, could see particle pollution from wildfires increase by more than 50 percent by the year 2050, so that is actually in the relative near term, and potentially triple by the end of the

century.

It also found that not only is climate change making wildfires more frequent and certainly more catastrophic, but climate change drives other air conditions, like air stagnation, which further increases dirty air. The State of California and the Federal Government, in partnership, have made a lot of progress to ensure that our communities can breathe clean air, like working in partnership to cut air pollutants from vehicles. But we have a lot more to do to mitigate against the harmful impacts of wildfire smoke, which is why this study was so critical, and it shows that it is only getting worse.

So my question is this, Mr. Regan. I was glad to see that in the Fiscal Year 2023 budget, the request includes \$6.5 million for a wildfire prevention and readiness program to identify, to predict and communicate when and where smoke events are occurring. I was hoping you could spend a minute elaborating on what the EPA's plans are for how to implement those dollars.

Mr. Regan. Thank you for the question. We know that the public depends on us to provide trusted information about air quality conditions and the health impacts before, during and after these fire and smoke events. So we do the research to build the tools needed to understand those impacts on air quality, but also water quality and health.

EPA's AirNow website and mobile app received over 13 million page views in 2021. So we are improving that map so that users can view in real time and learn about actions that they can take, personal actions they can take to reduce their exposure. We are also working on improving notification, planning, and when feasible, advanced notice of smoke events. So our budget requests support the need for improved readiness by enhancing our wildfire data and communication. But also to enhance the technical capabilities that we desire to push that information out to those who need it the most.

We have so many parents, so many mothers who, when they drop their kids off at school during a wildfire event, want to know if their children are safe at school, can they go out for a jog during the day. We want to be able to provide that data in real time, so that families don't have to have their entire lives altered during and after these wildfire events as it relates to the smoke inhalation and impacts to public health.

Senator Padilla. Thank you for your response. I look forward to following up with you on this topic and the others that we will submit for the record.

Thank you, Mr. Chair.

Senator Capito. [Presiding.] Thank you. Senator Lummis?

Senator Lummis. Thank you, Madam Chairman.

Welcome, Administrator Regan. I want to talk, as did Mr.

Padilla, about some air issues. In 1977, Congress added Section 169(a) to the Clean Air Act. That section established as a national goal the prevention of any future in the remedying of any existing impairment in visibility in mandatory Class 1 areas, which impairment results from manmade air pollution.

In 1999, EPA issued its first Regional Haze Rule requiring States to submit plans that include measures necessary to make reasonable progress toward meeting the National Visibility Goal. The rule has been amended a couple of times, and EPA is in the process of receiving, reviewing, and acting on the second round of State haze plans.

So this is a program to improve visibility, is that correct, Administrator Regan?

Mr. Regan. Yes.

Senator Lummis. So would you agree that visibility continues to show improvements in our Nation's Class 1 areas, and in fact, visibility has significantly improved in most of the west? Is that correct?

Mr. Regan. I believe that is correct.

Senator Lummis. Thanks for your answers. I am a little concerned that this Administration is turning a program that was clearly intended to address visibility instead as a means to advance climate goals, which Congress has never given EPA the authority to do. The focus should be on visibility. Thank you.

So, another question on ozone transport. The EPA claims that it is committed to return scientific integrity to the agency, but in 2015, under President Obama, the EPA said in the Federal Register that the EPA would not apply the Cross-State Air Pollution Rule, or CSAPR, without first evaluating additional criteria specific to the west. They recognized that applying a primarily eastern State program on west required additional analysis. Some of the differences between east and west, one of which was just acknowledged by Mr. Padilla, includes wildfire ramifications, background concentrations, altitude, topography, meteorology, international contributions from Asia, and elsewhere.

So what western-specific ozone transport studies has EPA completed since that 2015 proposal?

Mr. Regan. I am not quite sure if I understand the question in terms of, are you looking for a specific study or are you looking at the way we approach the program? Because I think the program has been approached as a nationwide program. So taking a look at all of the data that we have collected from 2015 up until today, then looking at what the Clean Air Act then looking at what the Clean Air Act is requiring that EPA do in terms of reducing that ozone pollution, I think that is what you are seeing in the rules that we are proposing now.

Senator Lummis. Are there any, are you aware of any

western-specific ozone transport studies? And if you are not, that is fine. I will submit this in writing to you so you can go and check with your staff .

Mr. Regan. Sure. What I can say is we have considered the latest and greatest science data. So my assumption is, if there is a specific study out there, we have considered it. But more importantly, I think we have considered all of the data, especially peer-reviewed, or data with scientific integrity, as we decided to make these decisions.

Senator Lummis. Okay. Well, I am anxious to find out whether EPA engaged stakeholders to participate in and review any such studies. It sounds like they have. So I will just submit in writing a little request to look at some of the west-specific data. Thanks on that.

Now I want to talk a little bit about a small refinery exemption. Right now, on the other side of the Capitol Building, there is a hearing in the House Energy Committee talking about oil and gas prices at the pump and blaming the oil and gas companies. So we have kind of gone from listening to some in this Administration saying first, they don't control the price of gas, then they say President Putin, or Putin is responsible. Now oil companies are responsible. I am having trouble keeping straight who is responsible.

Now, President Biden has said he will use every tool at his

disposal and he will work like the devil to bring prices down.

So I want to make a suggestion of something that would help.

Rather than asking dictators like Maduro in Venezuela or Iran, that shouts death to America, to produce more oil, has the EPA considered simply granting relief under the RFS program?

Because analysts are saying that that adds somewhere between 30 and 50 cents a gallon. It would be an easy way to quickly relax and relieve gas prices. Has that come up?

Mr. Regan. Two points. The first is, I would say I am not quite in agreement that this relief would have that impact on gas prices. But more importantly, I would like to point to the law and what the law specifies in terms of SREs. I think we have learned in the past four to six years where the agency actually has legal authority to give these SREs. I think the Tenth Circuit recently spoke on how we look at these economic hardships and who qualifies for these SREs.

So I would say that the agency has taken a very close look at SREs and what flexibilities we have and what we have learned from the past in terms of what the courts have told us we can and cannot do.

Senator Lummis. Well, thank you, Mr. Regan. I am over time. I wish other agencies, by the way, would pay attention to their legal authority like the requirement that the Department of the Interior shall issue oil and gas leases every quarter.

Anyway, thanks. I yield back.

Senator Capito. Senator Duckworth, by WebEx.

[Pause.]

Senator Ernst, go ahead, if you would.

Senator Ernst. I appreciate it. Thank you very much, Madam Chair, Ranking Member.

Thank you very much, and thank you, Administrator Regan, for being with us today. I am going to come at the RFS as well, as a method of relief for our consumers this summer. Maybe a little bit different than Senator Lummis. But with the gas prices that are sky-high out there, and the Administration stating they want to do absolutely everything they can to bring down the cost to our consumers, E15 actually is the most affordable or often the most affordable option that exists for consumers at the pump.

So, Administrator, are you going to allow for E15 to be sold this summer like it has over the past three summers, or will this low-cost option be eliminated during our summer months?

Mr. Regan. I think the President has indicated correctly that we are looking at all of the tools in our toolbox. We are currently evaluating what flexibilities we have around E15. This is a conversation that I and Secretary Vilsack have been having quite a bit as of late.

So I can tell you that we are evaluating what Clean Air Act authorities we have to potentially take advantage of E15.

Senator Ernst. I hope that we are able to do that. I do believe, I think ethanol was trading maybe a dollar lower than just straight-up gas. So I know that would be a considerable savings to our consumers as they are filling up their vehicles.

Administrator Regan, we are already seeing broad costly policies which are being implemented by this Administration, I believe on an unjustified basis, which is increasing energy costs on American families, harming our international economic competitiveness and placing unnecessary burdens on our Nation's taxpayers. We seem to be seeing more of the same coming out of the EPA with a large target on something near and dear to my heart, agriculture. I have continually fought for our farmers and we are now back to the same fight that we have had in the past over the Waters of the United States.

We are currently waiting on the Supreme Court decision that will rally inform the scope of the EPA's jurisdiction.

Administrator, are you planning on using agency resources on a new WOTUS rulemaking, even though it will likely need to be changed once the Supreme Court comes back with their verdict?

Mr. Regan. What we have done is we have gone through a rulemaking process already. We are currently continuing our roundtable discussions all around the Country with our farmers,

with our elected ag officials. The reality is that we are dealing with uncertainty in terms of where the courts have placed us with pre-2015 plus some decisions that people are having to make now.

So what we are going to continue to do, we believe we have done a good job in the rulemaking process, taking into consideration many of the concerns that have been expressed by the age community and the other side, we are engaging in a regional roundtable now. And we are still on a path to produce some certainty while we see what plays out with the Supreme Court.

Senator Ernst. So I guess the point would be that we don't want to spend resources on efforts then that would have to be changed later on. So we will continue following WOTUS. We have seen you do conversations on the WOTUS rulemaking I think in Alaska and North Dakota. Can you commit to coming to Iowa as well and having those conversations with our stakeholders as well?

Mr. Regan. Let me circle back. I know that we are doing regional roundtables. I believe we have chosen 10 States. Let me circle back to see if you are not one of the 10, and if not, I will chat with our Assistant Administrator to see what we can do to accommodate that.

Senator Ernst. That would be very helpful, because we do

have a lot of stakeholders that were very engaged in a number of the original WOTUS discussions. We would love that opportunity to visit face to face with members of the Administration and share our concerns.

So overall, of course, we want to make sure that we are unleashing American agriculture and allowing us to feed and fuel the world. It is very hard when we have burdensome practices, whether it is WOTUS, whether it is changes to the RFS, you name it. We want to make sure that we are able to provide, especially as we see crises in a number of areas around the globe where we may have food insecurities in other Nations. This is a time where the United States can really step up and be part of that solution.

Thank you, Administrator. I appreciate your time this morning. Thank you. I will yield back.

Senator Carper. [Presiding.] Senator Ernst, thank you. Good to see you.

Senator Duckworth is trying to join us by WebEx. Senator Duckworth, are you still out there?

All right. I think Senator Sullivan is enroute, but Senator Kelly is here, live and in person.

Senator Kelly. Timing is everything, Mr. Chairman. Thank you.

I did have some WOTUS questions as well, but I think

Senator Ernst covered some of them. I might get back to that in a second here.

But I want to start with PFAS instead. Administrator Regan, thank you for being here today. PFAS is a rapidly growing challenge in the State of Arizona. For example, in Tucson, which relies on a sole source drinking water aquifer, there is a growing PFAS plume, and it is jeopardizing the community's secondary source of drinking water. As drought conditions get worse, our aquifers could go from being our secondary source of drinking water to the primary source, making it even more critical that we address PFAS contamination sooner rather than later.

That is why as we were drafting the Bipartisan Infrastructure Law, we ensured that there was dedicated funding for PFAS treatment projects that could be allocated to the States quickly. I am hopeful that as EPA develops implementation guidance, the unique needs of drought-prone States like Arizona can be kept in mind.

As you finalize guidance under the Infrastructure Law for the Small, Underserved, and Disadvantaged Communities Grant Program, how will the needs of areas experiencing prolonged drought conditions receive needed assistance when addressing these cleanups?

Mr. Regan. Thank you for that question, Senator. One of

the great things about the foundations of the Bipartisan Infrastructure Law is it provides the States and communities with the flexibilities to address the unique needs on the ground. I think what you will see coming from EPA as it relates to these, the water infrastructure resources, are existing flexibilities, but the reliance on our States as co-regulators. We believe that the States and communities know their people better than we do.

So as we prescribe these programs, it is done with an eye toward the innovation and the creativity and the flexibility that the States have been focused on for those specific issues that are unique to their States, like in your case, sole source and PFAS contamination.

Senator Kelly. And one specific issue is that we have over the last 20 years been suffering from this historic drought. So is that something that at EPA is part of the consideration?

Mr. Regan. Absolutely. We are laser focused on providing our water utilities with the technical assistance and the resources that you need for a resilient 21st century infrastructure. We need to see more re-use, we need to see more water efficiency. We also need to improve the quality of that water. All of those things are top of mind.

We believe that we are designing our relationship with our co-regulators such that it is not an academic exercise but more

so an opportunity to execute and implement real, on the ground solutions.

Senator Kelly. Do you believe that PFAS contamination in sole source aquifers poses a particular challenge for affected communities?

Mr. Regan. Absolutely I do. Absolutely I do.

Senator Kelly. If you could just outline, I only have about a minute and a half left, how do you think the process of PFAS removal, what does this look like 10 years from now?

Mr. Regan. It fits well with our PFAS strategic road map. I believe that, number one, we have asked for the resources to pull in more health related data, more science data, so we understand the impacts and implications of PFAS.

But number two, we need that data so that we can establish drinking water levels as well as cleanup levels. That ladder is so important. Once we get the health data we need to establish these cleanup levels, then we can hold the polluters accountable and we can force these polluters to use their resources instead of taxpayer dollars to clean up the mess that they caused.

Senator Kelly. Do you think it is reasonable to expect that in coming years we could get, and I know you don't have the data sitting in front of you, but get the Tucson aquifers and the other aquifers that are contaminated by PFAS in the State of Arizona and other States back to where they need to be to be

safe and reliable drinking water sources?

Mr. Regan. That is our desire. That is our hope. I saw this first-hand in North Carolina, I saw the devastation that it caused. I know how much money it is costing these water utilities, especially small water utilities, to provide safe, reliable and affordable drinking water. We have to get there for the American people.

Senator Kelly. All right, thank you.

Senator Carper. Senator Sullivan, I know you just barely sit down, but if you are ready, you are recognized.

Senator Sullivan. I am ready, thank you.

Administrator, good to see you, sir. I look forward to having a good discussion here.

You have seen this chart before. This is a really important chart to me. I try to show it a lot. This is the issue, as you and I have talked about, of life expectancy in America. It is actually the whole Country. Where life expectancy has increased, it is lighter blue, darker blue, even purple. Unfortunately in certain areas of the Country, life expectancy, this again is from 1980 to 2014, a 25-year period.

It has decreased in certain areas, which is horrible, of course, in America. Mostly that is opioid and drug related. But the area that I like to highlight, and this of course is Alaska, it is the area where life expectancy in America, over

the last 25 years, increased more than any other place in the Country. You look at the North Slope of Alaska, our rural areas, it is up 13 years.

So can I ask you, is there a more important policy indicator of success or failure than Americans are living longer? Give me one. I have asked that of a million people. No one can ever give me one. Is a policy indicator, your policies are successful, the people you represent are living longer. Can you think of anything more important than that?

Mr. Regan. Longer and healthier. Quality of life is --
Senator Sullivan. Well, longer is healthier.

Mr. Regan. Possibly.

Senator Sullivan. Yes, well, it is. If you are not living, you are not healthy.

Mr. Regan. We want people living long, healthy lives, so yes, I --

Senator Sullivan. So you agree. This is an easy answer. Come on. Yes, yes, Senator, hell, yes.

Thank you. Okay, good job.

So here is my question. It is an important one, and you and I have talked about it. When I look at the proposed budget, there is a lot of area on advancing justice and environmental equity. You and I have talked about that. I agree with that. In a whole host of areas. I particularly agree that we need

minority communities, indigenous communities in particular in my State, to live longer. The reason this map is so successful in terms of living longer is A, unfortunately, the Native people in my State, almost 20 percent of the population, started at a really low base, because they didn't have things like clean drinking water or jobs or hospitals or gymnasiums, things that most Americans just take for granted. Running water.

And then what happened in Alaska? In all these areas, economic opportunities in the form of responsible resource development took place. So one of the things that I am often frustrated by is the discussion on resource development, particularly with this Administration and the Obama Administration is, we are going to shut down resource development because it is somehow bad. Oil and gas, bad. Mining, bad.

Well, it is actually not bad, and it creates opportunities for people to live longer.

This Administration has issued 22 Executive Orders and Executive Actions against my State, solely against my State. And almost all of them impact economic opportunity, and many of them are targeted at the Native people of Alaska. Do you think that is environmental justice? Do you think that helps minority communities?

Mr. Reagan. We should not be targeting any group of people.

Senator Sullivan. I actually think you are strong on this, Mr. Administrator, and I appreciate and I take at face value the times you and I have discussed this. Because I know it is in your heart, right? You actually see that chart as a good thing. I do, too.

But I am concerned that the policies of targeting minority communities, their access to jobs, economic opportunities, resource development, is continuing in this Administration without A, reference to that, but B, environmental equity. This turns environmental justice and equity on its head.

Right now, my State, the indigenous people, are being targeted by this Administration. Is that environmental justice? Is that racial equity?

Mr. Regan. The targeting of anyone is not -- I am not quite sure I understand what your assertion is.

Senator Sullivan. When you go into a Native community and say, we are going to shut down this economic opportunity, a road, in oil and gas development, that is what I am talking about.

Mr. Regan. I don't think EPA has done that.

Senator Sullivan. Oh, I don't think they have. I am just talking about what the Administration has done. Talk to your Cabinet official, Deb Haaland. She seems to do it every week. It is a frustration of mine, Mr. Administrator. You have a

strong voice in the Biden Administration Cabinet.

Let me ask, you have had in your budget, environmental justice, small grants, cooperative opportunities. Some of these are focused on, and this is in your budget, educating the public to create "greater acceptance of trees in cities." How does that compare to getting more economic opportunity to people in indigenous communities in my State?

Mr. Regan. I think the theme of what we are looking at with the resources we have asked for for environmental justice inequity is number one, to really focus on how we bolster and strengthen infrastructure.

Senator Sullivan. I agree with that.

Mr. Regan. Access to healthy water.

Senator Sullivan. Water for sure. I have 30 communities in my State that have no running water or flush toilets. American citizens. That is an EPA issue that we need to work on together.

Mr. Regan. It is a heartbreaking issue. I can tell you, whether it is an indigenous population in Alaska or a Black population in Alabama or a White family in Appalachia, we have to address that.

Senator Sullivan. I fully agree with you.

Mr. Regan. That is justice and equity. I think we have to look at the disproportionate impact that pollution has caused

many of these communities, whether it is, as you and I have talked about, some of these brownfield and Superfund sites, so whether it is pollution from a neighboring refinery a power utility.

So when you look at our budget and look at what we are requesting, in all seriousness, we are looking at requesting resources to combat these issues for those who have been disproportionately impacted in the ways that --

Senator Sullivan. I am out of time, Mr. Administrator. I appreciate your comments. I appreciate your focus. I believe you are very sincere in this. I just hope that your budget and the Biden Administration's budget prioritizes the things that you mentioned, roads, water and sewer, over no offense, but programs to educate people on the importance of more trees in the city. It just doesn't seem to fit well.

Mr. Chairman, I would welcome the chance to have a hearing in this committee about the 22 Executive Orders and Executive Actions my State has been singled out with. They are not doing that to Delaware. They are not doing that anywhere. But you wake up in Alaska, it is a new smackdown by this Administration hurting my constituents, many of whom are indigenous, minority people.

It is wrong. It is damned wrong, and I really wish this committee would help me on it. Because if a Republican

Administration was doing this to Democrat colleagues of mine, targeting them over every other State, I would help my Democrat colleagues. I am pleading for help here. And from you, too, Mr. Administrator.

Mr. Regan. Senator Sullivan, I hope this is a true statement, but I felt from the beginning, in our conversations, whether it is woodstoves, air quality, Superfund contamination, water infrastructure, I believe that our regional office has been working hand-in-hand with the State of Alaska to be as flexible as possible to provide the best service from EPA to your constituents.

Senator Sullivan. I need your voice with other Cabinet members in this Administration to kind of stop the war on Alaskan families, particularly in minority communities. So thank you.

Senator Carper. Senator Sullivan, let's follow up in a sidebar with Senator Capito with respect to your request for a hearing.

Senator Sullivan. Thank you, Mr. Chair. I am trying to be respectful here, but it is a frustration of mine.

Senator Carper. I understand.

We are going to try once again with Senator Duckworth. She is going to try to join us by phone. Senator Duckworth, can you hear me?

Senator Duckworth. I sure can, Mr. Chairman.

Senator Carper. Good, we hear you loud and clear. Go ahead. Thank you.

Senator Duckworth. I wanted to say thank you to everyone for being here today. I am excited to hear that one of EPA's key budget priorities, Administrator Regan, includes water infrastructure, and EPA's budget request includes an increase of nearly \$1 billion to fully fund the water programs authorized in my Drinking Water and Wastewater Infrastructure Act. If we keep this level of funding consistent, we have a chance to correct the historical gap in that accessible funding for low-income communities and communities of color.

When working to get the citizens of Cahokia Heights, Illinois federal money to help mitigate their awful sewer flooding situation, it was really disheartening to find out that there were almost no viable options for getting grant funding that met the needs of the community. Let me just say again that there were almost no eligible funding opportunities to assist an underserved community with getting raw sewage out of their yards. In DWWIA, I specifically lowered cost shares and increased grants to finally open the door to funding for communities just like this across the Country.

Mr. Administrator, could you explain how the increased funding requested in the EPA budget and increased accessibility

to funds created in DWWIA will help impact disadvantaged and underserved communities with their water infrastructure?

Mr. Regan. Absolutely. Thank you, Senator, for that question. It is unfortunate that we have these circumstances in this Country where people are facing some of the things that you have just described.

The first thing I will say is the unique aspect of the Bipartisan Infrastructure Law is exactly what you said, which is the opportunity for communities who have never had a seat at the table to actually compete for these resources, because they are forgivable loans, or they are not required significant matches.

What we are doing to increase their competitiveness is we are providing unprecedented resources for technical assistance, so that many of these disadvantaged communities can put forward competitive proposals so that they can finally receive the resources that they need.

So what I would say is we are grateful for the construct of the bill. You will see the request that we made in our budget builds on that. Then we want to deploy additional resources to provide technical assistance for communities like Cahokia Heights or some of the other cities that we have seen all across the Country as well.

Senator Duckworth. Thank you. Mr. Administrator, it is no secret that low-income communities and communities of color are

disproportionately affected by pollution and climate change, whether it is Cahokia Heights, Illinois, or on the Gulf Coast. That is why it is so important for the EPA's Fiscal Year 2023 budget request to include robust funding levels for environmental justice efforts, like the environmental justice block grant program.

I am a big fan of APA's idea of creating a new environmental justice national program to be led by a Senate-confirmed Assistant Administrator to elevate and maximize the benefits of environmental justice efforts across the EPA. I would love to be helpful on this.

Can you talk a little bit more about this idea, and how you expect this program will help to address systematic underinvestment in environmental justice communities? Are there opportunities for communities' input to be built into this program to be sure that the funding needs are being met?

Mr. Regan. There absolutely are opportunities for community engagement. I have just hired an environmental justice and equity advisor to help us bridge a lot of these gaps.

As you know, when we think about the disproportionate impact of pollution, it is complicated in terms of how we really tackle this issue, when we know that Black and Brown communities, tribal communities, low-income communities, this is

where the evidence leads us. We see the disproportionate impact in these communities.

Having an elevated position at the EPA with an equal seat at the table as we talk through our land pollution, our water pollution, our air quality and climate pollution, having someone at an equivalent level also talk from a scientific standpoint about how we develop policies and regulations that alleviates the disproportionality of these impacts is very important. It is the only way that we can create the rising tide that will lift all boats.

So this is important to the President, this is important to me. It is an opportunity for us to demonstrate that our environmental laws, policies, and regulations will provide equal protection for every single American in this Country.

Senator Duckworth. Thank you, Mr. Administrator. I would like to associate myself with my colleague from Iowa, Senator Ernst, urging for year-round E15, especially during this Russian war of choice in Ukraine. At \$1 a gallon lower than gasoline blendstock, it seems that the Biden Administration is missing an opportunity to introduce a readily available strategic reserve of ethanol into the global economy. In fact, by blending in more ethanol, you would actually stretch the availability of diesel fuel itself.

Administrator Regan, do you think E15 could help provide a

less expensive fuel option for hardworking Americans at the pump?

Mr. Regan. I do believe that E15 can provide a less expensive option based on the data that we have seen as of late. I also can say that we are evaluating what options we might have at EPA to look at utilizing E15 at a level that would be helpful to the American people and to help alleviate some of the pain that we have seen since Russia has launched this war against Ukraine.

So the President has pledged all hands on deck and for us to look at every single option. I will tell you, along with E15, that is one of the reasons why I have been laser focused around providing certainty to the RFS program in general, because the Congress' intent was that biofuels would have a larger play in this space. So whether it is E15 or RVOs, we need to have a comprehensive approach to alleviating our dependence on oil. I think this is a path that we should pursue, and we are.

Senator Duckworth. Thank you very much, Mr. Administrator. Thank you, Mr. Chairman, I am way out of time. You have been very generous.

Senator Carper. Yes, you are. Thanks so much for trying so hard to join us.

Before I turn to Senator Capito for a second round, are you

doing okay?

Mr. Regan. Yes.

Senator Carper. The end is in sight, so thank you.

I want to ask unanimous consent to place in the record materials describing the Biden Administration's actions to reduce energy prices and improve energy security, including the vehicle standards mentioned by Senator Markey. Without objection, so ordered.

[The referenced information follows:]

Senator Carper. Senator Capito, please proceed.

Senator Capito. Thank you, Mr. Chair. I would like to enter into the record a number of industry letters about how the Administration policies contribute to higher energy prices.

Senator Carper. Without objection, so ordered.

[The referenced information follows:]

Senator Capito. Thank you.

Mr. Administrator, I want to talk about your full-time equivalents. How many people right now are full-time equivalents at EPA?

Mr. Regan. We have about 14,200 equivalents at EPA right now.

Senator Capito. Okay. You have said several times in front of the committee that during the four years previous to the Biden Administration that 1,000 people had left. So I am going to assume that if your number is over 14,000, that you have rehired into those 1,000 positions?

Mr. Regan. I am sorry?

Senator Capito. You have said repeatedly that 1,000 people left EPA. I am going to assume that over the course of the last 16 months you have rehired into this 1,000 positions?

Mr. Regan. We have not, I don't think, rehired the full 1,000.

Senator Capito. Well, you can only go to 14,297. So would I assume that you have hired some of the 1,000 back?

Mr. Regan. Yes, we have hired some, but --

Senator Capito. Into those positions?

Mr. Regan. We have hired some, not all.

Senator Capito. Okay, because you are asking for another 1,900.

Mr. Regan. Yes.

Senator Capito. The conversation that we had at breakfast several months ago, you said that by February you would have everybody back into the office full time in person. Is that occurring?

Mr. Regan. We are on track to meet most people being back in by, I believe it is April.

Senator Capito. What is most people?

Mr. Regan. Beginning April 28th.

Senator Capito. What is the percent of most?

Mr. Regan. We can get back to you on that exact percentage.

Senator Capito. Okay. I would hope it is close to 100 percent, because that makes sense for an agency that is impacting so many.

Mr. Regan. I am being told all employees are scheduled to be back by the last period in April.

Senator Capito. All employees.

Mr. Regan. All employees.

Senator Capito. Good. So you want to hire another 1,900. That includes, I am assuming, the 450 that you mentioned for the TSCA. That includes that number?

Mr. Regan. Yes.

Senator Capito. Okay. And why do you need 1,900 more

people?

Mr. Regan. I think that --

Senator Capito. You were given money in the IIJA and ARP and CARES. Did you use that money to hire people?

Mr. Regan. We were given money for activities. We were not given money for personnel. So when you think about the \$60 plus billion that we received with the Bipartisan Infrastructure Law, just the \$50 billion in general looking at water infrastructure, we were not given resources to hire in those --

Senator Capito. Those go into the revolving funds, right?

Mr. Regan. Yes. Most of those --

Senator Capito. So those are set programs, it is just more money?

Mr. Regan. Yes, more money going through existing programs, but some of that money is much more flexible than the money that traditionally went to those programs. So we need more bodies to help manage those programs and push that money through to get to the States.

Senator Capito. So you would anticipate after five years, you wouldn't need those folks, because this is only a five-year program, to push the extra money, because the extra money won't be there in five years.

Mr. Regan. I think that when we look at the resources that we received, which was \$50 billion, and the Country has over

\$720 billion worth of infrastructure needs, I am under the impression that the Country is going to need continued help to rebuild its national infrastructure, from a cyber standpoint and a physical standpoint.

Senator Capito. Okay, let me ask you on that, now that we are talking about the water and the IIJA, there is quite a bit of money, as you said, and we agree, and I think it is great. I mean, obviously this is a bill that came out of committee, and we are very excited about it, revolving funds. The EPA has given guidance that pushes States to rewrite their definitions of disadvantaged communities and affordability criteria in line with the Administration's Justice40 initiative.

You just answered a question a couple of people ago about how important it is to have the flexibility, give the States the ability to do that. You are a former State administrator, so you know that the State has been tasked with defining disadvantaged communities in the past. Why is that not working under this initiative? Why is it changing? Why are you changing that?

Mr. Regan. What we are doing is again, the existing State programs traditionally operate with a different flexibility or lack of flexibility than what BIL provides. So in BIL, there is a specification that 49 percent of those resources go to disadvantaged communities. Every State has a different

definition of disadvantaged community.

Senator Capito. Right, because they know their States.

Mr. Regan. So some of these States have said, well, we need for you, Mr. Administrator, to be a little bit more specific and offer up some criteria. Because we want, as co-regulators, to meet the full intent of --

Senator Capito. So the States are asking for this?

Mr. Regan. Yes. So what we have done is we haven't given mandates, we have provided criteria around what we believe the intent of the Bipartisan Infrastructure Law is. These are characteristics that we believe fall within a safer realm of how we get the resources to those who need it the most.

Senator Capito. So I am for that, of course. But I will give you an example. In my State of West Virginia, if we use the tool, the online tool that is available to definite disadvantaged communities, I got excited about this, because we have a small community called Institute, West Virginia, that has an historic Black college and university, West Virginia State University, where Katherine Johnson went to school, and graduated.

It is also right next to a major chemical facility that has been much, much larger in the past. There have been environmental issues from time to time as we have seen that footprint change over the years. This community doesn't fall

within a disadvantaged community definition according to the tool that you all are putting together. It is probably well over our State average in terms of minorities who live there. My understanding is because it is next to the school, there is faculty that live there.

But it totally qualifies for what we are trying to, with the mission, the joint mission here is to help communities that have had issues. How do we square that? Why wouldn't you let the State make that determination?

Mr. Regan. I think you have offered a good example of where States fill the gaps. I think we have seen areas where States have said, hey, we don't necessarily know if we are accurately defining disadvantage and environmental justice. So the short answer is this is a process that has been developed together by the State and federal agencies as co-regulators. I don't think that anyone has a monopoly on the perfect definition of environmental justice or disadvantaged communities.

So what we are doing in real time is having active conversations with the State commissioners and the State secretaries all across this Country. We are basically saying, we believe that this is the definition. The States are saying, we believe this is the definition. And together, we are coming up with what we believe are the best solutions for those individual States to be sure that no one is left behind.

Senator Capito. Okay. I don't want to leave anybody behind.

Here is where I am concerned. If you are definitionally on, particularly in the grant area, putting your foot on the scale for certain types of parameters that were not designated into the legislation when we created this on a bipartisan basis, and you have created a definition, whether it is disadvantaged community, or whatever you would term another aspect of the law, and the State has a different view of this, and loses their flexibility, it seems to me that in applying for a grant, a State applying for a grant into these parameters, they are going to be disadvantaged because they are not meeting the metric that you have established at the federal level.

And this is a deeper discussion and we can get into it later. But I don't want to see a position where you are overriding what the locals, something that we have empowered local officials to do, like you were doing in North Carolina, for years, to make those determinations. This is what concerns me.

Mr. Regan. And I would agree with you if what we put out was a mandate. It is not. These are criteria.

Senator Capito. You can't mandate because it is not in the law.

Mr. Regan. The interesting thing about the relationship we

have with our State regulators, if done correctly, whether it is a Title 5 permit, any of the delegated authorities, or water quality, is typically there is a back and forth, there is a conversation, there is a dialogue. A lot of times States want to consult with the EPA because they want to be sure that they have the cover.

Senator Capito. Right.

Mr. Regan. And it is vice versa, we want, my intention is to ensure that we don't take any of the autonomy and flexibility from the States. The goal is to work together and try to get the right criteria there, so that we don't see anyone fall through the gaps.

Senator Capito. Okay. So I think we have some agreement, but I would disagree that you are not putting your thumb on the scale here in this particular area. We see this throughout, particularly on the transportation side, on the discretionary grant side. We specifically didn't specify these things in the law, because we wanted a bipartisan bill that we could all agree on. And keeping that flexibility within the State is very important to all of us, all of us on this committee.

Mr. Regan. Sure.

Senator Capito. I could go on and on, but I have one last though here. Back to the FTEs, because I forgot I had this bit of information. You actually could hire up to 15,324 under the

Fiscal Year 2022 budget. So you are still 1,100 under what you could actually have.

Mr. Regan. Let me go back and --

Senator Capito. So we need to get into this a little bit.

Mr. Regan. Yes, let me go back --

Senator Capito. I am holding the Chairman up here.

Mr. Regan. We should talk further. We did not get the 2022 budget, so we can't hire up to that number. But I would like to go back to the preceding question you asked about the numbers, just to be sure we are talking about the same number of persons.

Senator Capito. Okay, thank you.

Senator Carper. I want to go back and thank you for bearing with us and doing this discussion. It won't last much longer. I want to go back and talk just a little bit about the methane emission reduction program, just for clarification purposes. My intent in our crafting and eventually implementing a methane emission program is not to just slap a fee on emitters of methane. What we want to do initially is to provide up to as much as \$700 million in assistance to those oil and gas companies that are -- I have a note here from my staff that says consumer costs will be low, not zero, less than 1 percent. We will come back and figure out that that means. If not zero, thank you.

All right. A couple of questions if I could. The last question will be, is there anything you wish you had been asked that you weren't. We will kind of close with that.

My first of two remaining questions deals with Diesel Emission Reduction Act. George Voinovich, former colleague and former governor, and a close friend, asked me one day to be his lead Democrat on the Diesel Emission Reduction Act. We thought about it, talked about it, and I agreed. Literally 40 days later it was signed into law. I have never seen legislation that impactful move that quickly.

When George left us, Jim Inhofe agreed to step up and be the Republican lead on the Diesel Emission Reduction Act, and continues to do that. I am very grateful for that.

With respect to the Diesel Emission Reduction Act, which makes significant reductions, as you know, in diesel emissions from trucks, from ferry boats, from all kinds of vehicles, I am pleased to see that the President's budget provides \$150 million for the bipartisan Diesel Emission Reduction Act, or DERA, as we call it.

As you know, our Nation has millions of old, dirty diesel engines in use today. These dirty engines can help take our kids to school, can help run our ports, can help ship our goods across the Country. Dirty diesel engines are not only bad for our air, they are bad for our climate, and as it turns out, bad

for our pocketbooks in terms of energy costs.

I applaud this Administration's commitment to the Diesel Emission Reduction Act, and related programs like the recently passed Bipartisan Infrastructure Clean School Program, which helps transition our dirty vehicles to cleaner, more efficient American-made options.

My question is this. Administrator Regan, how important are investments in cleaning up dirty diesel for our climate and for the communities that live nearby or downwind? How do these investments spur economic development and save customers money in the long run?

Mr. Regan. First of all, I applaud you and others for the leadership around the DERA program. I think it is one of the more exciting things, when we look at a program that has effectively taken emissions out of play, especially those that were exposed to our best and most precious cargo, which are our youth. When we look at the success of the DERA program and how it is the foundation in ushering in how we plan to leverage this \$5 billion to clean up America's yellow school buses, it is really exciting.

Diesel emissions, as we know, contribute heavily to lost school days, lost work days for bus drivers, lost work days for teachers. So this is a transformational opportunity to reduce those hospital visits for kids, for parents, and for those who

have been exposed to diesel emissions.

It is also an excellent opportunity for innovation in the manufacturing sector. When I visit in North Carolina and the Midwest, and we look at some of these school bus manufacturers, the manufacturers that are participating in this supply chain, this is an awesome opportunity, and it is a way to awaken American innovation.

So this is a perfect example of how we protect public health of our most precious cargo, promote innovation, and reduce the emissions profile of the transportation sector, which is the largest contributor to climate change emissions.

Senator Carper. It reminds me of the old saying, it is possible to do good and do well at the same time. This is a great example of that.

My second question before I turn to you to answer a question of your own choosing, I appreciate, I think we appreciate the EPA's hard work to develop the proposed rulemaking for the Renewable Fuels Standard program that the agency is currently working to finalize. RFS politics are always difficult, as we know.

But I think that more can be done to improve the program, especially at a time of great volatility in the fuels market. My hope is that you will take a second look at the 2022 RFS requirements and quickly act on applications for new advanced

renewable fuel pathways. I will reemphasize that. Quickly act on applications for new advanced renewable fuel pathways, and fuels that will provide consumers with more affordable and environmentally friendly fuel options.

Question: EPA has been sitting on advanced renewable pathway applications and fuel decisions for not days, not weeks, not months, but for years. Does EPA have enough resources now, do you have the ability to process RFS applications? If the answer is you do have enough resources now, what is the holdup?

Mr. Regan. I can say, Senator, that the group of people that are responsible for our RFS program are probably one of the heavier taxed groups, because they are focused on transportation, they are focused on stationary sources, they are focused on all of our climate goals. So in our budget, you will see an ask for increased resources for the Office of Air Radiation, because that is where a lot of this work is coming from.

We do recognize the importance of looking at these advanced opportunities for biofuels. The President has pledged and I am pledging that we will continue to move as quickly as possible on that.

Senator Carper. All right, thank you.

A follow-up if I can. What more can EPA or Congress do to help stabilize the RFS market in order to provide greater

certainty for all parties, and encourage the deployment of more sustainable fuels? We talked earlier in the course of this hearing about how businesses large and small always seek for certainty and predictability. But what can EPA and the Congress do to help stabilize the RFS market in order to provide greater certainty for all parties and encourage the development of more sustainable fuels?

Mr. Regan. I believe that we are finally on a path to stabilize this program. We have to deal with these SRA exemptions, whether it be the court-mandated or decisions that EPA has to make. We have to get the RVO proposal out, 2020, 2021, 2022. That is the first sort of three-year span where we are introducing certainty and predictability into the industry.

I know that there are some issues with 2020, I know there are some issues with 2022. But the reality is that this is the first time that the agency has put a string of three years together to create some predictability. As we pursue the step model, 2023 and beyond, it is our opportunity to stop ping-ponging back and forth, learn from the past lessons of what the courts have dictated, and move forward in a very sound way to meet Congress' intent of getting the biofuel levels introduced into this market that I think we all want to achieve.

So I believe we have a lot of lessons learned in the past. I think we are on a path to certainty, 2020 to 2023; 2020, 2021,

2022 is the first sort of step. But then as we go to 2023 and beyond, we have a huge opportunity to push biofuels in this sector the way I believe Congress intended.

Senator Carper. Let's make sure we seize the day. I don't know much Latin, but I think seize the day in Latin is *carpe diem*. That is it. In Delaware it is Carper diem.

[Laughter.]

Senator Carper. You have a chance to ask yourself a question. We don't always afford that opportunity. Is there a question you wish you had been asked, but weren't? Or something you want to go back and reiterate?

Mr. Regan. That might be the most dangerous question of all there.

[Laughter.]

Senator Carper. Well, we have a vote that has started, so you don't have long.

Mr. Regan. I think if I were answering a question I would have liked to have seen, it is answering the question of this Administration's level of engagement with all of our stakeholders. I am extremely proud of the level of engagement with our ag community, with our energy community, with our NGOs.

The rules that we have proposed and finalized over the past year and that we will propose and finalize over the coming years have been done in what I would consider to be one of the most

transparent and engaging ways in EPA's history. So I am excited about creating that level of back and forth in relationship with all of our stakeholders because we have some hard decisions to make.

But I am also excited that we have those foundational relationships in place because with BIL, the American Rescue Plan and hopefully a little kindness from Congress on this budget request, we have a significant opportunity to protect human health, advance technology and innovations like we have never seen before, and increase the global competitiveness of this Country. EPA plays a significant role there, and I think we are doing a pretty good job of trying to usher that in.

Senator Carper. All right. Last thing, I mentioned this to Senator Capito. We had a big celebration in Delaware close to Wilmington, along the banks of the Delaware River. At the Port of Wilmington, we had the most modern nuclear submarine in the Navy, a fast attack boat, first ship or submarine named after Delaware in 100 years, the U.S.S. Delaware. The sponsor of the boat is First Lady Jill Biden. It was a great day of celebration.

When I spoke as the keynote speaker that day, I talked about how Delaware was the first State to ratify the Constitution. For one whole week, we were the whole United States of America. Then we opened it up for everybody else.

I had to actually ask everybody in the audience, thousands of people there, to literally stand up at the end of my remarks and hold hands with the people on the other side of them and join me in reciting the preamble to the Constitution, which begins with these words: "We, the people, in order to form a more perfect union." That is the way it starts off.

None of us are perfect, and our Constitution wasn't perfect when it was first adopted. But everything I do, everything we do, I know we can do better.

I appreciate your leadership, we appreciate your leadership and your work with the folks who are part of your responsibilities. I know you are working hard and I know the folks who work for you are working hard. Our aim, our goal is perfection, knowing that we will never get there, but at least that is where we are headed. We are trying to get there.

I will just reiterate, I will be looking forward to hearing from maybe one of our alums who works for you on scheduling events when you are going to West Virginia. If you run into my family in Raleigh County, let me know.

Before we adjourn, a little bit of housekeeping. Senators will be allowed to submit written questions for the record through the close of business on Wednesday, April 20th. We will compile those questions, we will send them to you and your team, and we will ask you to reply to us by Wednesday, May the 4th.

Anything else, Senator Capito?

Senator Capito. No.

Senator Carper. With that, it is a wrap. Thank you so much. This hearing is adjourned.

[Whereupon, at 12:17 p.m., the hearing was adjourned.]